



COUNTY OF LOS ANGELES
PROBATION OVERSIGHT COMMISSION
DRAFT STATEMENT OF PROCEEDINGS FOR THE VIRTUAL
REGULAR MEETING



poc.lacounty.gov

THURSDAY, JUNE 10, 2021, 12:00 P.M.

VIDEO FILE FOR THE MEETING BEGINNING AT 12:00 P.M.

Attachment: [Video](#)

I. ADMINISTRATIVE MATTERS

1. Call to Order and Roll Call.

Chairman Franky Carrillo called the meeting to order at 12:00 p.m. Wendelyn Julien, Executive Director conducted the roll call:

Present: Commissioner Danielle M. Dupuy, Commissioner Sean Garcia-Leys, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Commissioner Robert M. Saltzman, Commissioner Cyn Yamashiro, Secretary Dolores Canales, Vice Chair Esché L. Jackson, Chairman Franky Carrillo

2. Approval of the May 27, 2021 meeting minutes.

No members of the public commented on this item.

On motion of Vice Chair Jackson, seconded by Commissioner Saltzman, and duly carried by the following vote, the Los Angeles Probation Oversight Commission approved the May 27, 2021 minutes:

Ayes: 9 –

Commissioner Danielle M. Dupuy, Commissioner Sean Garcia-Leys, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Commissioner Robert M. Saltzman, Commissioner Cyn Yamashiro, Secretary Dolores Canales, Vice Chair Esché L. Jackson, Chairman Franky Carrillo

Attachments: [Supporting Document](#)
[Public Comment/Correspondence](#)

II. DISCUSSIONS

3. Discuss and take appropriate action on a follow-up presentation on the implementation of the recent California Supreme Court decision *In re Kenneth Humphrey* declaring that California's practice of requiring money bail is in most cases unconstitutional and that courts must consider all non-monetary alternatives to detention including a presentation by outside experts on pre-trial assessment programs in San Francisco and Los Angeles. Panelists include:

- David Mauroff, San Francisco Pre-trial Program
- Ivette Ale, Dignity and Power Now

- Tiffany Blacknell, Office of the District Attorney
- Kelly Buck, Office of the Alternate Public Defender
- David Grkinich, Bureau Chief for the Pretrial Services Bureau of Los Angeles County Probation Department
- Vincent Holmes, Alternatives to Incarceration
- Ramon Quintana, Office of the Public Defender
- Alicia Virani, UCLA School of Law

The Board of Supervisors created a LA County Committee charged with reviewing the implementation of the Humphrey Decision. Ms. Blacknell began by discussing updates since the last meeting. The LA County Committee has been collaborating and meeting with other county departments and nonprofit organizations to generate a report back of recommendations and suggestions to the Board on the best ways to implement the Humphrey decision. Although not exhaustive, Ms. Blacknell shared three main areas of public concern for the committee: the use of the risk assessment tool, determining which agency would house pre-trial assessments, and other conditions such as electronic monitoring. Drafts of the report are under final consideration by each of the LA County Committee members' department heads.

Mr. Quintana added that the LA County Committee has learned a lot and will continue to collaborate with others as they work towards producing the final report encouraging the Board to take urgent action on the Committee's recommendations.

Ms. Julien shared that the Probation Department successfully complied with the motion from the last meeting on this topic from the Probation Oversight Commission (POC) to provide data and information about pre-trial services.

Mr. Grkinich delivered a PowerPoint Presentation covering the topics of bail reform, Humphrey implementation, and electronic monitoring.

Mr. Mauroff introduced himself and expressed support for community-based pre-trial systems. He shared information about the San Francisco Pre-trial Diversion Project that he runs, which has been in operation since 1976. He explained their broad range of services, including diversion programs. In 2018, the principles of the Humphrey decision were implemented in San Francisco and the San Francisco Pre-trial Diversion Project noticed immediate changes. Mr. Mauroff stated that his agency started with 32 employees and a budget of approximately 2.8 million dollars, and two years later expanded to 82 employees with an estimated budget of 9 million dollars. He explained that this growth is attributed to the Humphrey decision because the amount of bail has decreased significantly, and the number of releases increased significantly. He explained that every individual that enters the San Francisco county jail is screened using a risk assessment tool, which was introduced in 2015. Despite the disparities that are reflected in the outcomes, Mr. Mauroff emphasized that the use of the risk assessment is determined by the system, and not the agency, and that the disparities are being addressed by adjusting local practices. Outcomes are analyzed by a third-party research company, and their public safety and appearance rate outcomes have met and exceeded expectations. Staff live and work in the community they serve, so they have lived experience and are committed to protecting their clients, their families, and their communities. He shared about their Custody Referrals program, which was implemented after the Humphrey decision was adopted. The San Francisco Pre-Trial Diversion Project is the nexus between the Office of the District Attorney and the Office of the Public Defender where electronic monitoring is not utilized. The Office of the Sheriff is responsible for overseeing the electronic monitoring and they

install the equipment. Mr. Mauroff emphasized that preserving independent neutrality is important in a pre-trial system because the measure of effectiveness is public safety.

Mr. Holmes shared that Alternatives to Incarceration (ATI) participates in all the conversations regarding the Humphrey Decision to ensure that the Office of the District Attorney and the Office of the Public Defender devise a plan for pre-trial diversion to prevent individuals from entering the criminal justice system. He stated that ATI has two specific programs related to pre-trial diversion. One focuses on contacting individuals who are most at risk for being incarcerated as soon as possible to divert them away from the justice system at the point of arrest. If this is not possible, ATI focuses on making contact at the pre-arraignment stage, which is the first contact with the court, to provide resources and assessments for the individual. ATI partnered with the Community Care and Support Agencies (CCSA) to maximize the number of services that are available to individuals, as well as build credibility and comfortability with the courts.

Ms. Ale expressed that according to the Vera Institute of Justice, the total incarcerated pre-trial population in Los Angeles County is nearly 6,000, which presents issues of racial and gender justice. As of May 11, 2021, 56% of incarcerated women are held pre-trial compared to 36% of the overall jail population. CCSA collaborated with ATI, amongst other community and county partners, to develop Strategy three, which the Board of Supervisors adopted, to support and deliver meaningful pre-trial, release, and diversion services. She highlighted three primary recommendations for the POC which included the following:

- Recommendation 53 – Improve and expand return to court support services to reduce failures to appear.
- Recommendation 55 – Develop a strength and needs system of pre-trial release through an independent cross-functional entity outside of law enforcement to coordinate voluntary needs and strength assessments expeditiously upon booking and to provide relevant information to core officers to make informed release decisions.
- Recommendation 56 – Institute a presumption of pre-trial release for all individuals, especially people with clinical behavioral health disorders, coupled with warm handoff to community-based systems of care to provide targeted services if necessary to help individuals remain safely in the community and support their return to court.

Ms. Ale further added that implementation of these three recommendations align with the Office of the District Attorney's pre-trial release policies and should be considered from least restrictive (no conditions at all) to most restrictive (electronic monitoring/home detention). Furthermore, pre-trial detention should only be considered when the facts are evident, clear, and convincing evidence shows a substantial likelihood that the defendant's release will result in great bodily harm to others. The District Attorney's Office also recommended no cash bail for any misdemeanors, non-serious felonies, or non-violent felony offences based on an individual's ability to pay, which is supported by the Humphrey decision. She stated that current pre-trial pilot programs rely on risk assessments and supervision but fail to provide robust community-based pre-trial services. She provided a snapshot of data presented from the Probation Department where 74% of people were remanded to custody, 14% were granted release, 75% of those remanded to custody were black women on felony charges, 97% were people with misdemeanor charges, placed on supervised release via electronic monitoring, and 42% of those on electronic monitoring failed to appear. Out of the 26,714 people in Los Angeles

County's considered for pre-arraignment, only 1,875 (7%) were granted pre-arraignment release. While the data obtained from the judicial council is not divided by county, the 97% success rate in court appearances supports the model that clients with failed payment and minimal supportive services should be released with individualized supportive services. Community intervention can effectively increase court appearance rates while reducing incarcerated pre-trial population rates. Essentially, the needs based pre-trial model developed by CCSA in partnership with UCLA School of Law incorporates elements from ATI as well as best practices from across the county.

Ms. Virani gave a brief overview of what the CCSA model would look like when implemented in Los Angeles County. Although the program was designed for all individuals accused of crimes in the pre-trial context, its focus would be addressing the needs of the community and identifying resources and an infrastructure that would support CCSA's pre-trial model. She explained that CCSA would assign an intake worker within eight hours of arrest who is knowledgeable about the criminal justice system to that individual. That intake worker would conduct a strength and needs assessment to develop an individualized safety plan and consider the racially disparate impact of pre-trial releases within the servicing jurisdiction. To eliminate bias, CCSA would ensure that every individual person who's arrested proceeds through this intake assessment process. It is ultimately up to the judges whether the person is released, but this individualized safety plan would also determine if other external resources such as housing, mental health services, or even text message reminders are required for everyone. The CCSA agency would also provide troubleshooting for people on the day of court including childcare, technical support, and transportation to eliminate barriers to the individual missing court. She explained that CCSA's foundational principles are the Support Versus Supervision Model, the Trauma-Informed Care Model, and the Individual Empowerment and Self-Determination Model. Ultimately, CCSA would like to move towards a system where people are being supported and opportunities for them to thrive and participate in their own case, healing, and access to services is prioritized. UCLA received electronic monitoring data from the Probation Department on the number of applicants for electronic monitoring. Although there is no conclusive data in the pre-trial context, the data revealed that the applications for electronic monitoring increased by 12-fold since 2015, which is higher in the pre-trial contexts than in the post-conviction context. Additionally, the data indicates that increases in electronic monitoring, increases in jail populations, are not contributing to the increases in incarceration in Los Angeles County. Although the pilot program will be in Inglewood, the goal is to have this be a county-wide independent agency.

Kruti Parekh and Lex Stefing addressed the POC.

In response to Commissioner Yamashiro's inquiry about pre-trial services in San Francisco transitioning to an independent operating entity, Mr. Mauroff shared that pre-trial services was originally handled by the San Francisco Bar Association in partnership with the Superior Court in 1964. Since 1976, the independent nonprofit organization (San Francisco Pre-Trial Program) was established and has offered pre-trial services. The Sheriff's Department operates the electronic monitoring component of pre-trial cases.

Commissioner Yamashiro asked Mr. Grkinich if the Probation Department has made any contingency plans for pre-trial services being handled by an independent agency either in its entirety or partially. Mr. Grkinich stated that the decision about the handling of pre-trial services is up to the Board of Supervisors. However, there are Probation staff available to manage pre-trial services. He mentioned that the Probation Department is flexible and adaptable and will do what tasks that need to be done.

Commissioner Dupuy asked Mr. Grkinich about the pre-trial services that the Probation Department provides. Mr. Grkinich explained the roles and responsibilities of the case managers within the Probation Department who maintain contact with their clients, remind them about court appearances, and inform them of services that are available to them. Thereafter, they are referred to community-based providers such as Project 180 who then connects the client with external community-based organizations based on the needs the clinicians identified in the clients' assessments. Commissioner Dupuy further asked how the data was analyzed to determine that racial disparities among populations are not exacerbated. Mr. Grkinich responded by explaining that the data was broken down by gender and race in relation to the overall county jail population and suggested that the POC do further statistical analysis on the data if desired. Ms. Julien added that the Chief Executive Office is compiling a report for pre-trial services and assessments and should be released within 90 days. Commissioner Dupuy expressed another concern regarding ensuring that the Probation Department and the Probation Oversight Commission considers ATI in Probation-related initiatives and efforts. Mr. Grkinich explained that the role of the Probation Department is to connect individuals to services and ensure that they appear back in court. The current electronic monitoring system is run by nonsworn Probation staff.

Commissioner Nong asked for further information about the percentage of people arrested who are released during pre-arraignment. Mr. Grkinich shared that there are various levels of restriction for pre-arraignment arrests in Los Angeles County. Ms. Ale advised that the POC make recommendations to the Board of Supervisors if there are legal limitations or laws limiting release because these limitations can be changed to facilitate release. These limitations are not barriers to the development of strategies that support pre-trial release to address racial and gender disparities. Ms. Virani added that there are multiple individuals eligible for pre-trial release but still being held in custody until arraignment. Mr. Mauroff expressed that risk assessment tools can be flawed, and a key factor is looking at the release decision by the courts, which is reflective of the global pre-trial system. He further encouraged the use of a screening process to support release that is equitable, expedited, and individuals are connected to services.

Commissioner Dupuy asked about the intake needs assessment that may be different than the risk assessments. Ms. Virani responded by stating that the CCSA intake workers will conduct the strength and needs assessments by asking open-ended questions. The risk assessments evaluate static information such as criminal record. Both assessments and any information gathered from the individuals will be handled with confidentiality.

Chair Carrillo commented on individuals wearing ankle monitors and raised a question about the use of a cell phone to make calls or texts to a person as an avenue to track them. Mr. Virani added that cell phones would have to be provided to individuals without cell phones to maintain contact with them and send reminders about court. This would be a different way of surveying and monitoring people. Ms. Ale explained that the people on these electronic monitoring systems are legally innocent under the California State Constitution, and surveillance is not freedom. She asked that the POC consider net widening where an increase in saturated surveillance (within specific communities) can increase policing in those communities as a perpetual cycle of incarceration.

Secretary Canales inquired about devices that the Probation Department provides to individuals in the electronic monitoring program. Mr. Grkinich confirmed that the Probation Department only provides GPS devices which do not include audio and video surveillance. He further stated that data surrounding GPS device glitches are not collected.

Commissioner Garcia-Leys emphasized how building credibility with judges is vital and solicited recommendations on the least intrusive and least restrictive pre-trial conditions that can be considered while maintaining credibility with the courts. Ms. Ale added that a program must be implemented and functioning to build credibility with the courts. She provided information about CCSA's Survivor Support program. Mr. Holmes stated that most of the programming is reliant on the Probation Department. He suggested that the pre-trial services model be considered in an intuitive context with relationship building, with the Probation Department playing an integral role. Mr. Mauroff shared that credibility with the courts is a two-way relationship between the courts and the community. Whoever will be conducting the pre-trial services should be an independent neutral convener.

Mr. Ramon Quintana emphasized that it is important that the community listens to the court. He synthesized prior discussions and added that additional funding from the Board is needed so that effective programming for pre-trial services can start earlier in the process. Ms. Blacknell shared that the issues should be viewed from a public health lens to determine which agency is equipped with the proper tools to guarantee public safety.

Chair Carrillo expressed how the cultural conditions within the Sheriff's Department while awaiting trial can influence an individual to plead out of desperation to get out of confinement.

Attachments: [Supporting Document](#)
[Public Comment/Correspondence](#)

4. Report from and take appropriate action on recommendations from the Education Standing Committee regarding dissolution of the committee, a plan to fold the work into the ad hoc Programs & Services committee, a plan to hold regular public forums about education issues and to distribute information to the public, and a plan to create a report on the status of education in the halls and camps based on commissioner's research and site visits.

Commissioner Garcia-Leys explained his recommendation for a motion to dissolve the Education Standing Committee (ESC). Due to the structural limitations of a standing committee, he recommended that the tasks and goals of the ESC become a priority of the Programs and Services ad hoc committee. Although ad hoc committees are not required to meet in public, he emphasized that there will be ample transparency and public accountability with public forums to solicit public input. He emphasized that the job of the ad hoc committee would be to make as much educational data available as possible.

Betty Fang and Stephanie Horwitz addressed the POC.

Commissioner Dupuy highlighted that public comments made in the public forums will be more robust at a town hall due to time allocations.

On motion of Commissioner Garcia-Leys, seconded by Commissioner Meredith, and duly carried by the following vote, the POC approved the dissolution of the Education Standing Committee with the understanding that the Committee's work will carry on as a priority of the Program and Services ad hoc committee and solicit stakeholder input to improve transparency as it sees fit.

Ayes: 9 –

Commissioner Danielle M. Dupuy, Commissioner Sean Garcia-Leys, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Commissioner Robert M. Saltzman, Commissioner Cyn Yamashiro,

Secretary Dolores Canales, Vice Chair Esché L. Jackson,
Chairman Franky Carrillo

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5. Discuss and take appropriate action on developing a protocol for requesting information from the Probation Department.

Chair Carrillo suggested that the Probation Oversight Commission create a formal protocol for requesting information from the Probation Department. He recommended that the POC have both a formal and informal process to ensure that the Probation Department and the POC staff can track the requests and follow-up as needed. First, a commissioner can bring up a request for information at a meeting on an agenda item or emergency item with a motion and a vote and then staff will make a written request to the Probation Department, follow up if necessary, and share the results with the commission appropriately and in conformance with the Brown Act. Second, if an ad hoc committee or an individual commissioner wants to request information on behalf of the POC in between meetings or would rather not bring it up in the public meeting, that person would send the request to Chair Carrillo and to the Executive Director. If he agrees with the request, staff will send it to the Probation Department, follow-up, and share the results with the individual commissioner or subcommittee appropriately. If Chair Carrillo does not agree with the request, the commissioner can bring the request to the POC for discussion and a vote.

Geneviève Clavreul addressed the Probation Oversight Commission.

Commissioner Meredith explained how the previous Probation Commission handled Commissioners' requests for information. Chair Carrillo clarified that the POC would like to formalize the process to keep track of the various information being requested and keep all the Commissioners informed of information and data being collected from the Probation Department. Ms. Julien explained that this formalized request for information process will not inhibit or restrict individual Commissioners' ability from reaching out to the Probation Department. It is a process by which the POC has legislative authority to be able to officially request information from the Probation Department, and even compel that information via subpoena. She added that the main objective of formalizing this process is to distinguish when requests are being made on behalf of the POC and when requests are made on behalf of an individual Commissioner.

Commissioner Yamashiro suggested that a specific timeline be embedded in the requests for information to establish expected response periods. Ms. Julien agreed and suggested that requests submitted to the POC would be processed within one business day, and Chair Carrillo confirmed he can review and approve requests within one business day.

Commissioner Dupuy proposed that ad hoc committees copy the POC Executive Director and POC Chair on its requests. Chair Carrillo explained that having a uniform process for requesting information would benefit the POC because the requests can be vetted.

Ms. Julien clarified Commissioner Saltzman's inquiry about the formalized request for information procedures affecting the individual Commissioners' requests. She explained that the POC has a chart for tracking requests for information which includes who made the request, the date the request was made, and the exact information that is being requested. When responses are received and an item is completed, the POC is notified.

On motion by Chair Carrillo, and by Common Consent, there being no objection, the Probation Oversight Commission approved the formalized process for requesting information from the Probation Department on behalf of the POC, which includes one business to gain the Chair's approval, and one business day to submit the request to the Probation Department.

Ayes: 9 – Commissioner Danielle M. Dupuy, Commissioner Sean Garcia-Leys, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Commissioner Robert M. Saltzman, Commissioner Cyn Yamashiro, Secretary Dolores Canales, Vice Chair Esché L. Jackson, Chairman Franky Carrillo

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III. MISCELLANEOUS

MATTERS NOT POSTED

6. Matters not posted on the agenda, to be discussed and (if requested), placed on the agenda for action at a future meeting of the authority, of matters requiring immediate action because of an emergency situation or where the need to take action arose subsequent to the posting of the agenda.

These items were proposed for a future agenda:

- **Develop a protocol for the Probation Department to notify the Probation Oversight Commission (POC) about major and significant incidents within the Probation Department (like the notification system between Justice Deputies and the Probation Department)**
- **Discuss stakeholders' recommendations on the specific oversight role for the POC to ensure that the Probation Department complies with ATI and YJR**

PUBLIC COMMENT

7. Opportunity for members of the public to address the Los Angeles Probation Oversight Commission (POC) on items of interest that are within the subject matter jurisdiction of the POC.

You may submit public comment by e-mail to info@poc.lacounty.gov.

Written public comment or documentation must be submitted no later than 5:00 p.m. the day before the scheduled meeting. Please include the Agenda Item and meeting date in your correspondence. Correspondence received shall become part of the official record.

Eduardo Mundo and Thomas Bell addressed the POC.

Attachments: [Public Comment/Correspondence](#)

IV. ADJOURNMENT

8. Adjournment for the regular meeting of June 10, 2021.

Chairman Carrillo adjourned the meeting at 2:22 p.m.

DRAFT